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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/801,156
Filing Date: March 15, 2004
Appellant(s): CHU ET AL.

MAILED

MAR 28 2008

GROUP 3600

Charles A. Bieneman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 19, 2008 appealing from the Office action mailed October 22, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

The appeals of 10/800,444 and 10/948,425.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The summary of claimed subject matter contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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6,564,208 B1	Littlefield et al.	05-2003
2004/0267612 A1	Veach	12-2004
2003/0177076 A1	Might et al.	09-2003
2001/0044837 A1	Talib et al.	11-2001
2004/0186769 A1	Mangold et al.	09-2004
2005/0033641 A1	Jha et al.	02-2005

Helen, posting on alt.windows98, September 7, 2002.

Anon., "Intasys Corporation Subsidiaries Mamma.com Inc. and Intasys Billing Technologies Comment on Q3 2001 Results Discuss Recent Events," Business Wire, October 31, 2001.

Kanell, M.E., "Personal Technology Bellsouth Putting Yellow Pages Online," Atlanta Journal-Constitution, Business section, p. 5, April 20, 1997.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-36 and 38

Claims 1, 2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 30, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield et al. (U.S. Patent 6,564,208). As per claim 1, Littlefield discloses an information distribution system, comprising: a sponsor subsystem, said sponsor subsystem including: a plurality of listing attributes; a plurality of listings, wherein each listing includes at least one listing attribute, wherein said plurality of listings include an enhanced listing; and a plurality of format attributes, including a first format attribute and a second format attribute, wherein said first format attribute is associated with said enhanced listing and wherein said second format attribute is associated with at least one said listing that is not said enhanced listing (column 4, lines 24-47, the default settings for font, size, etc., in non-enhanced listings being taken as second format attributes); a user subsystem, said user subsystem including: a request, said user subsystem providing for the receipt of said request; and a response, said user subsystem providing for said response (column 5, lines 12-67; Figures 1A and 1B; the request being implied by the search); and an administrator subsystem, said administrator subsystem including: a response heuristic, said response heuristic providing for selectively identifying a subset of listings to be included in the response, wherein said subset of listings includes said enhanced listing

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(column 5, lines 12-67; Figure 1B); at least one priority metric, wherein each listing in a response is associated with at least one priority metric (column 2, lines 6-30; note also column 4, lines 15-20); an enhanced display fee, wherein said enhanced display fee is associated with the enhanced listing (column 4, lines 1-14); and a placement heuristic, wherein said placement heuristic provides for arranging said subset of listings within said response, wherein the placement of each said listing is influenced by at least one priority metric associated with the listing (column 2, lines 6-30; column 5, lines 12-67; Figures 1A and 1B). Littlefield does not expressly disclose that the placement of the enhanced listing is not influenced by the enhanced display fee, but does show sample orderings in which enhanced listings are interspersed with unenhanced listings, unenhanced listings appearing before enhanced listings (Figures 1A and 1B; column 5, lines 12-48); Littlefield also teaches as prior art ordering listings based expected relevance to a user's search (column 2, lines 6-30), with no teaching that in his own invention, the placement of the displayed listings is influenced by the enhanced display fee; and Littlefield teaches that an advantage of his invention is enabling web page owners to compete for the attention of the users of a search engine through enhanced listings ("non-default content"), reducing the incentive to attempt to obtain higher search rankings by manipulation (column 4, lines 15-20). Thus, Littlefield implies that placement of the listings is not influenced by the enhanced display fee, making it obvious for this to be done for at least the stated advantage of reducing the incentive to attempt to obtain higher search rankings by manipulation (or even payment), and the implied advantage of thus displaying the listings most likely to be relevant first, saving

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users the trouble of searching through a larger number of listings to find something relevant.

Littlefield does not expressly disclose using a plurality of priority metrics together, but does disclose that the specific techniques for determining a ranking will vary from implementation to implementation (column 2, lines 6-17).

As per claim 2, Littlefield discloses an attribute type, wherein the first format attribute and the second format attribute are of the same attribute type (column 4, lines 24-47, font and font size being examples of attribute type).

As per claim 3, Littlefield discloses that the first format attribute and the second format attribute are mutually exclusive (*ibid.*; e.g., something in one font is not simultaneously in another font).

As per claim 4, Littlefield discloses a plurality of attribute types including at least: a font size, a font type, and a sound (column 4, lines 24-41; column 6, lines 1-20).

As per claim 5, Littlefield discloses a plurality of enhanced display fees, wherein an enhanced listing can be associated with a plurality of enhancements and thus a plurality of enhanced display fees (column 4, lines 1-9 and 24-41).

As per claim 6, Littlefield discloses a per-hit fee amount, wherein said enhanced display fee is included as part of the per-hit fee amount associated with the enhanced listing (column 4, lines 10-14).

As per claim 10, Littlefield discloses a plurality of responses, including a first response and a second response, wherein the plurality of listings includes a first listing, wherein the first listing is said enhanced listing in said first response, and wherein the

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first listing is not included in the second response (column 5, lines 12-67; Figures 1A and 1B; note that the listing at the top of Figure 1A is enhanced, and is not included in Figure 1B).

As per claim 13, Littlefield discloses a plurality of types of enhancement and a plurality of fee types corresponding to the types of enhancement (column 4, lines 1-14; column 6, lines 1-20), so that the consequence of different advertisers selecting different enhancements would be the enhanced listings including a first and a second enhanced listing, the plurality of fee types including a first fee type and a second fee type, a first enhanced listing being of a first fee type and a second enhanced listing being of a second fee type.

As per claim 14, Littlefield discloses that enhanced listings are associated with enhanced display fees (column 4, lines 1-14). Littlefield does not expressly disclose that the arrangement of listings and enhanced listings is not influenced by the enhanced display fee, but does show sample orderings in which enhanced listings are interspersed with unenhanced listings, unenhanced listings appearing before enhanced listings (Figures 1A and 1B; column 5, lines 12-48); Littlefield also teaches as prior art ordering listings based expected relevance to a user's search (column 2, lines 6-30), with no teaching that in his own invention, the arrangement of the displayed listings is influenced by the enhanced display fee; and Littlefield teaches that an advantage of his invention is enabling web page owners to compete for the attention of the users of a search engine through enhanced listings ("non-default content"), reducing the incentive to attempt to obtain higher search rankings by manipulation (column 4, lines 15-20).

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Thus, Littlefield implies that the arrangement of listings is not influenced by the enhanced display fee, making it obvious for this to be done for at least the stated advantage of reducing the incentive to attempt to obtain higher search rankings by manipulation (or even payment), and the implied advantage of thus displaying the listings most likely to be relevant first, saving users the trouble of searching through a larger number of listings to find something relevant.

As per claim 15, Littlefield discloses that the sponsor subsystem further includes an advertiser interface, wherein said advertiser interface provides for creating said enhanced listing using at least one listing (column 4, lines 24-47).

As per claim 16, Littlefield discloses an advertiser interface providing for the creation of a detailed view to be displayed on a user interface (column 4, lines 24-47; column 6, lines 1-20), a graphic, animation, or movie file being held to constitute a detailed view.

As per claim 17, Littlefield discloses the detailed view being associated with the enhanced listing (*ibid.*, as per claim 16).

As per claim 19, Littlefield discloses the detailed view being associated with the enhanced listing (*ibid.*, as per claim 16), and discloses the enhanced feature, which may be a detailed view, being associated with the enhanced display fee (column 4, lines 1-14; column 6, lines 1-20).

As per claim 20, Littlefield discloses that at least some listings may be associated with per-hit fees (column 4, lines 10-14), and each listing could be associated with a per-hit fee in the event of each listing being an enhanced listing, wherein the enhanced

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display fee is included in the per-hit fee associated with the enhanced listing. Littlefield does not expressly disclose that the listings displayed by the user subsystem are not displayed in an order that is in accordance with the per-hit fee, but Littlefield has no suggestion that the per-hit fee influences the order of display, Littlefield shows unenhanced and presumably unpaid listings displayed above enhanced listings for which fees would be paid (Figures 1A and 1B), and Littlefield teaches giving advertisers the ability to compete for attention through enhanced listings, reducing the incentive to attempt to obtain higher search rankings (column 4, lines 14-20), making it obvious for the listings displayed by the user subsystem not to be displayed in an order that is in accordance with the per-hit fee.

As per claim 21, Littlefield discloses the enhanced listings at the tops of both Figures 1A and 1B as being no larger than any of the listings in those responses.

As per claim 22, Littlefield discloses a plurality of enhanced listings, including a first enhanced listing and a second enhanced listing (as in Figures 1A and 1B); and a plurality of enhanced attribute types, said plurality of enhanced attribute types including a first enhanced attribute type and a second enhanced attribute type (column 4, lines 1-14 and 24-41; column 6, lines 1-20), making it an obvious consequence of the selections made by different advertisers for the first enhanced listing to include the first enhanced attribute type and the second enhanced listing to include the second enhanced attribute type.

As per claim 23, Littlefield discloses a plurality of enhanced display fees, the plurality of enhanced display fees including first and second display fees not equal to

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each other, wherein a first enhanced listing is charged a first enhanced display fee, and a second enhanced listing is charged a second enhanced display fee (column 4, lines 1-9).

As per claim 24, Littlefield discloses a third enhanced listing (e.g., Figures 1A and 1B between them show more than two enhanced listings), and discloses that advertisers can select multiple items from a multiplicity of enhancement attributes (column 4, lines 1-14 and 24-41; column 6, lines 1-20), which would have as an obvious consequence a third enhanced listing including the first enhanced attribute type and the second enhanced attribute type.

As per claim 30, Littlefield discloses a plurality of fee type attributes, wherein each enhanced listing in a response is associated with at least one fee type attribute, and wherein the enhanced display fee associated with the enhanced listing is influenced by the fee type attribute (column 4, lines 1-14).

As per claim 31, Littlefield discloses that search results in response to a search can comprise more than one web page (column 2, lines 18-30).

As per claim 32, Littlefield discloses charging a per-hit fee, so that at least one listing in a response is associated with a per-hit fee (column 4, lines 10-14).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 1 above, and further in view of official notice. Littlefield does not disclose a per-hit fee amount wherein the enhanced display fee is not included as part of the per-hit fee amount associated with the enhanced listing, but official notice is taken that per-hit fees associated only with placement in or beside search results, not with

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enhancements, are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have a per-hit fee amount not associated with the enhanced listing, for at least the obvious advantage of obtaining money for placement of listings that result in hits, even if the listings be unenhanced.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 1 above, and further in view of the post by "Helen," beginning, "CWSApps Listing (with download) for My Deja." Littlefield discloses a plurality of responses, including a first response and second response (e.g., Figures 1A and 1B). Littlefield does not disclose a plurality of priority metrics, but "Helen" teaches a plurality of priority metrics, including a first priority metric and a second priority metric, such that a particular listing could be associated with a first priority metric in a first response (e.g., sorted as high priority because of its relevance score) and associated with a second priority metric in a second response (e.g., sorted as high priority, or at least a particular priority, because of its date or author) (paragraph beginning, "One area where My Deja"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for there to be a plurality of metrics, with the consequences as set forth, for the obvious and implied advantage of sorting results according to what a user considers important.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 1 above, and further in view of Veach (U.S. Patent Application Publication 2004/0267612). Littlefield discloses a plurality of responses, including a first

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response and second response (e.g., Figures 1A and 1B), but does not disclose that the plurality of listings include a first listing, wherein the first listing is said enhanced listing in said first response, said first listing is included in the second response, and the first listing is not the enhanced listing in the second response. However, Veach teaches enhancing advertisements that may be listings provided by a search engine, where an ad may or may not be enhanced depending on various circumstances (paragraphs 105-112), in consequence of which a particular ad/listing could be included in several responses, but only enhanced in one of them. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a listing to be an enhanced listing in a first response but not in a second response, for the stated advantage of leading to better ads and markets than simply having advertisers pay a fixed surcharge for various formatting options.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 1 above, and further in view of Might et al. (U.S. Patent Application Publication 2003/0177076). As per claim 11, Littlefield discloses creating a plurality of enhanced listings (column 4, lines 1-47; column 6, lines 1-20), but does not expressly disclose a plurality of groups. However, Might enhanced listings (paragraphs 37 and 49) and teaches a plurality of groups which may be included in a response, said plurality of groups including at least a first group and a second group, wherein each listing and each enhanced listing belongs to a group (paragraphs 67-71 and 73), such that a first enhanced listing may belong to a first group and a second enhanced listing may belong to a second group. Hence, it would have been obvious to

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one of ordinary skill in the art of electronic commerce at the time of applicant's invention for there to have been a plurality of groups as recited, for the obvious advantage of providing the user with information on retailers in different groups that were likely to be relevant to a search, e.g., as taught in Might, groups of retailers matching different keywords, different product characteristics selected by a user, different zip codes (within a distance of a given zip code), etc., so as to aid the user in finding the best retailer(s).

As per claim 12, Might further teaches that any number of priority schemes may be applied to the match list (paragraph 71), and in particular mentions prioritizing retailers with enhancements to their listings, retailers whose enhanced listings include price information, and retailers with the best price (*ibid.*); hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the placement of the listings by the placement heuristic to be influenced by the groups affiliated with the listings in the response, for the obvious and implied advantage of aiding the user in quickly finding the retailers likely to be best from his perspective.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 16 above, and further in view of official notice. Littlefield arguably does not disclose that the detailed view of the enhanced listing requires an affirmative invocation through said user interface before being displayed through the user interface (unless the "click-to-buy" button of column 6, lines 1-20 is regarded as providing a detailed view), but official notice is taken that it is well known to require an affirmative invocation through a user interface before displaying an item such as a graphic, a movie

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file, etc. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to require such affirmative invocation through the user interface, for at least the obvious advantage of not assaulting the user with detailed views from multiple enhanced listings in his search results.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 24 above, and further in view of official notice. Littlefield discloses a plurality of enhanced display fees, the plurality of enhanced display fees including first and second display fees not equal to each other, wherein a first enhanced listing is charged a first enhanced display fee, and a second enhanced listing is charged a second enhanced display fee (column 4, lines 1-9). Littlefield does not expressly disclose that a third enhanced listing is charged the first enhanced display fee and the second enhanced display fee, but official notice is taken that it is well known to charge a customer the fees for first and second products or services when the customer buys both of them. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the third enhanced listing to be charged the first enhanced display fee and the second enhanced display fee, for the obvious advantage of making money by charging advertisers for the various and multiple enhancements they want.

Claims 26, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 1 above, and further in view of Talib et al. (U.S. Patent Application Publication 2001/0044837). As per claim 26, Littlefield does

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not expressly disclose a category attribute, wherein the request includes the category attribute and wherein the response is influenced by the category attribute, but Talib teaches this (paragraphs 87-96). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include such a category attribute, and have the response influenced by the category attribute included in the request, for the obvious and implied advantage of assisting users in finding results relevant to their needs.

As per claim 27, Talib further teaches a plurality of category attributes, including a first category attribute associated with listings and advertisements (paragraphs 107-111), wherein the fee associated with an advertisement is influenced by the category attribute (paragraph 111). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the plurality of category attributes to include a first category attribute associated with the enhanced listing, and for the enhanced display fee associated with the enhanced listing to be influenced by the category attribute, for the stated advantages that business are willing to pay higher advertising rates to reach users engaged in focused searches, or to have their ads viewed by more people.

As per claim 28, Littlefield does not expressly disclose a geography attribute, wherein the request includes the geography attribute and wherein the response is influenced by the geography attribute, but Talib teaches this (paragraphs 48 and 98-101). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include such a geography attribute, and

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have the response influenced by the geography attribute included in the request, for the obvious and implied advantage of assisting users in finding results relevant to their needs.

As per claim 29, Talib further teaches a plurality of geography attributes, including a first geography attribute associated with listings and advertisements (paragraphs 106, 110, 111, and 130), wherein the fee associated with an advertisement is influenced by a category attribute which may relate to geography (paragraphs 110 and 111). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the plurality of geography attributes to include a first geography attribute associated with the enhanced listing, and for the enhanced display fee associated with the enhanced listing to be influenced by the geography attribute, for the stated advantages that business are willing to pay higher advertising rates to reach users engaged in focused searches, or to have their ads viewed by more people.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 32 above, and further in view of Mangold et al. (U.S. Patent Application 2004/0186769). Littlefield discloses per-hit fees and subscription fees, but does not disclose a variable per-hit fee; however, Mangold teaches variable per-hit fees (paragraphs 25-31). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the per-hit fee to be a variable per-hit fee, for the implied advantage of charging advertiser's according to the

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value of searchers' clicks, based on the probability that the searchers will actually visit and make purchases.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield and Mangold as applied to claim 33 above, and further in view of the anonymous article, "Intasys Corporation Subsidiaries Mamma.com and Intasys Billing Technologies Comment on Q3 Results Discuss Recent Events," hereinafter "Intasys." Neither Littlefield nor Mangold discloses a number of hits and period of time, wherein the number of hits and period of time influence the variable per-hit fee, but "Intasys" teaches a per-hit fee varying in accordance with a period of time and number of hits (paragraph beginning "Mamma.com's advertisers' return on investment"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for there to be a number of hits and period of time, wherein the number of hits and period of time influence the variable per-hit fee, for the stated advantage of providing added value in the search result placement industry (by not counting bogus or apparently redundant hits).

Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 1 above, and further in view of Jha et al. (U.S. Patent Application 2005/0033641). As per claim 35, Littlefield does not disclose a plurality of per-hit fee types and a plurality of fee types (although Littlefield discloses per-hit fees and subscription fees), but it is well known for there to be a plurality of per-hit fee types and a plurality of corresponding fee types, as taught in Jha (paragraph 127). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the

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time of applicant's invention to have the system comprise a plurality of per-hit fee types and a plurality of corresponding fee types, for the obvious advantage of arranging payment for display of advertised listings in the most mutually satisfactory way.

As per claim 36, a plurality of listings inherently includes a first listing, and given more than one per-hit fee type, some listings can be associated with more than one per-hit fee type, and these may just as well include the first listing.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 1 above, and further in view of Kanell ("Personal Technology: Bellsouth Putting Yellow Pages Online"). Littlefield does not disclose that the request further comprises a category selection, but Kanell teaches a request also including a category selection (four paragraphs beginning from, "The service is set up to let the user fine-tune the search"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the request to include a category selection, for the stated advantage of letting the user fine-tune the search, and, it is implied, more easily find advertised businesses of most relevance to his preferences.

Claims 39-43

Claims 39, 40, 41, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield et al. (U.S. Patent 6,564,208) in view of official notice. As per claim 39, Littlefield discloses an information distribution system, comprising: a depository of information, said depository including a plurality of listings, said plurality of listings including an enhanced listing, said enhanced listing including an enhanced

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format attribute (column 4, lines 1-47); and a server configured to receive a plurality of requests and to generate a plurality of responses, wherein each response is generated using at least one request and said depository of information, and wherein said enhanced listing is associated with an enhanced display fee (column 4, lines 1-14) and is included in at least one response (column 4, lines 42-47; column 5, lines 12-67; Figures 1A and 1B). Littlefield does not expressly disclose that the placement of the enhanced listing is not influenced by the enhanced display fee, but does show sample orderings in which enhanced listings are interspersed with unenhanced listings, unenhanced listings appearing before enhanced listings (Figures 1A and 1B; column 5, lines 12-48); Littlefield also teaches as prior art ordering listings based on expected relevance to a user's search (column 2, lines 6-30), with no teaching that in his own invention, the placement of the displayed listings is influenced by the enhanced display fee; and Littlefield teaches that an advantage of his invention is enabling web page owners to compete for the attention of the users of a search engine through enhanced listings ("non-default content"), reducing the incentive to attempt to obtain higher search rankings by manipulation (column 4, lines 15-20). Thus, Littlefield implies that placement of the listings is not influenced by the enhanced display fee, making it obvious for this to be done for at least the stated advantage of reducing the incentive to attempt to obtain higher search rankings by manipulation (or even payment), and the implied advantage of thus displaying the listings most likely to be relevant first, saving users the trouble of searching through a larger number of listings to find something relevant.

Littlefield does not expressly disclose that at least one listing is excluded from said response on the basis of said request, but official notice is taken that it is well known for listings to be excluded from search engines' responses to requests based on the requests; search engines don't include all known web pages as listings in a response, but exclude pages of apparent low relevance. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for at least one listing to be excluded from said response on the basis of said request, for the obvious advantage of not wasting the user's time with irrelevant listings.

As per claim 40, Littlefield discloses an advertiser interface, wherein said advertiser interface provides for receiving at least one said listing (column 4, lines 24-47).

As per claim 41, Littlefield discloses a plurality of enhanced attributes (column 4, lines 24-41; column 6, lines 1-20) and a plurality of enhanced display fees corresponding to the enhanced attributes (column 4, lines 1-9).

As per claim 42, Littlefield discloses an advertiser interface, the advertiser interface providing for the selection of at least one enhanced attribute (column 4, lines 24-47), and teaches enhanced display fees (column 4, lines 1-9), implying selection of said fees in accordance with the selected enhanced attributes.

As per claim 43, Littlefield discloses a plurality of enhanced attributes, the plurality of enhanced attributes including at least: a font size, a font type, and a sound (column 4, lines 24-41; column 6, lines 1-20).

Claims 44-47 and 49-51

Claims 44, 45, 46, 47, 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield et al. (U.S. Patent 6,564,208). As per claim 44, Littlefield discloses a method for transmitting information, comprising: receiving advertising information from an advertiser; (in one alternative) using the advertising information to create a listing associated with the advertiser (column 4, lines 1-55); allowing the advertiser to enhance the display attributes of the listing in exchange for an enhanced display fee (ibid; also column 6, lines 1-20); and displaying the listing with enhanced display attributes on a user interface in response to a request by a user (column 5, lines 12-67). In the alternative, column 4 of Littlefield may be considered as disclosing enhancing an existing listing rather than creating a listing, in which case Littlefield's disclosure at column 1, line 56, through column 2, line 30, discloses receiving advertising information from an advertiser; and using the advertising information to create a listing associated with the advertiser.

Littlefield does not expressly disclose that placement of the listings is not influenced by the display fee, but does show sample placements in which enhanced listings are interspersed with unenhanced listings, unenhanced listings appearing before enhanced listings (Figures 1A and 1B; column 5, lines 12-48); Littlefield also teaches as prior art ordering listings based expected relevance to a user's search (column 2, lines 6-30), with no teaching that in his own invention, the order of the displayed listings is influenced by the display fee; and Littlefield teaches that an advantage of his invention is enabling web page owners to compete for the attention of the users of a search engine through enhanced listings ("non-default content"), reducing the incentive to

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attempt to obtain higher search rankings by manipulation (column 4, lines 15-20). Thus, Littlefield implies that placement of the listings is not influenced by the display fee, making it obvious for this to be done for at least the stated advantage of reducing the incentive to attempt to obtain higher search rankings by manipulation (or even payment), and the implied advantage of thus displaying the listings most likely to be relevant first, saving users the trouble of searching through a larger number of listings to find something relevant.

As per claim 45, Littlefield discloses associating each listing with a per-hit fee, and, as per claim 46, the enhanced display fee is part of the per-hit fee (column 4, lines 15-20).

As per claim 47, Littlefield discloses displaying a plurality of listings in the response and ordering the listings in accordance with a priority metric associated with each of the listings in the response (column 2, lines 6-17; column 5, lines 12-67; figures 1A and 1B).

As per claim 49, Littlefield discloses enhanced display attributes including at least: a font size, a font type, and a sound (column 4, lines 24-41; column 6, lines 1-20).

As per claim 51, Littlefield does not expressly disclose that the listings in the response are not displayed in accordance with a per-hit fee that is associated with each of the listings, but Littlefield discloses a per-hit fee for enhanced listings (column 4, lines 9-14) only as an alternative to or supplement to a subscription fee for enhancements, and nowhere discloses a per-hit fee for listings without enhancements. Hence, it would have been obvious for the listings in the response not to be displayed in accordance

with a per-hit fee that is associated with each of the listings, as an obvious consequence of there being no such per-hit fee.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Littlefield as applied to claim 45 above, and further in view of Kanell ("Personal Technology: Bellsouth Putting Yellow Pages Online"). Littlefield discloses displaying multiple responses, presumably in response to multiple requests (Figures 1A and 1B; column 5, lines 12-67). Littlefield does not disclose the receiving of multiple requests and the display of multiple responses, wherein the same listing appears in an enhanced display format in one response without appearing in an enhanced display format in another response; but Kanell teaches a search engine receiving multiple requests and displaying multiple responses (seven paragraphs beginning from, "In a move the company hopes"), and further teaches that a business may not be listed in every category in which it could be listed, because a business has to be paid to be listed in more than one (paragraph beginning, "The service is set up to let"), and discloses businesses paying for enhancements in the online Yellow Pages similar to those in the printed Yellow Pages, where companies can pay for bold-faced listings and large box ads that include more information ads (two paragraphs beginning from, "Just the basics For the moment"). Such an enhancement would not necessarily appear in multiple categories in the printed Yellow Pages; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the enhancement to appear in only one or some categories in the online Yellow Pages, and therefore for the same listing to appear in an enhanced display format in one response

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without appearing in an enhanced display format in another response, as an obvious consequence of advertisers being unwilling to spend extra money for enhanced advertisements in multiple categories, and listing providers seeking to increase revenues by providing different levels of service, with extra payments required for additional enhancements.

(10) Response to Argument

The basic question is whether the independent claims are obvious based on Littlefield, with some of the dependent claims obvious over Littlefield in view of other prior art. Examiner maintains that they are. Appellants argue to the contrary, beginning with a denial that there is no teaching or suggestion in Littlefield or elsewhere for the recited "enhanced display fee," alleging that Littlefield merely discloses a "subscription fee for associating non-default items with search result listings" (column 4, lines 10-14). Examiner reiterates that Littlefield does disclose an enhanced display fee, only a little lower in column 4 (lines 24-47), where Littlefield clearly and expressly discloses extra fees for including "non-default items" in listings, the "non-default items" being enhancements to the listings, such as company logos, having the listing shown in bold, in a particular font, or in a font of a certain size.

Having established that the Littlefield patent discloses what it discloses, Examiner addresses the obviousness of what it does not expressly disclose. Littlefield does not state that the placement of the enhanced listing is not influenced by the enhanced display fee, but does show unenhanced listings appearing before enhanced

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listings, and interspersed with them (Figures 1A and 1B; column 5, lines 12-48). At a minimum, paying for an enhanced listing must not guarantee the payer a spot above all the unenhanced listings in Littlefield's system, and there is no suggestion that it affects the placement of the listing at all. There is a definite suggestion to the contrary, in that Littlefield teaches that an advantage of his invention is enabling web page owners to compete for the attention of the users of a search engine through enhanced listings ("non-default content"), reducing the incentive to attempt to obtain higher search rankings by manipulation (column 4, lines 15-20). Appellants argue that the "manipulation" refers to such mechanisms as including terms in a webpage thought to attractive to search engines. This may be true, or at least may be part of what Littlefield meant, but Littlefield also discloses as prior art that search results are usually presented by ranking, where the document with the highest ranking is the document considered most likely satisfy the interest reflected in the search criteria specified by the user (column 2, lines 6-30). In particular, Littlefield writes, "The specific techniques for determining that ranking will vary from implementation to implementation, and the present invention is not limited to any particular ranking technique." (Column 2, lines 14-17).

Two conclusions follow. First, Littlefield contemplates ranking listings by probable relevance to the user's search criteria, whatever precise techniques are used to assess the probability; there is no suggestion of ranking them by payment of a fee instead. Secondly, even supposing that some implementations of Littlefield's invention involved determining placement by fee payment instead of ranking, which is pure and

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unsupported conjecture, Littlefield's invention could be used with what he describes as the usual ordering, where ranking is determined by probable relevance, not payment. Thus, the Littlefield patent is as strongly suggestive of this limitation of claim 1 as it could be without being actually anticipatory under 35 U.S.C. 102.

Appellants next argue that Littlefield does not disclose using a plurality of priority metrics. Examiner wrote in the rejection of claim 1, "Littlefield does not expressly disclose using a plurality of priority metrics together [emphasis added], but does disclose that the specific techniques for determining a ranking will vary from implementation to implementation (column 2, lines 6-17)."

Here, it becomes important to note the claim language carefully, and not read into it limitations which are not actually present. Claim 1 does not recite using a plurality of priority metrics together to determine the ranking of search results; it merely recites "a plurality of priority metrics, wherein each listing in said response is associated with at least one priority metric," and "wherein the placement of each listing is influenced by at least one said priority metric associated with said listing." Thus, the limitations of claim 1 are met if each listing is associated with, and its place influenced by, one priority metric, with at least one other priority metric being included in the administrator subsystem, but not necessarily used, and in particular, not used in determining the placement of that set of listings. Given Littlefield's teaching of different implementations of determining the ranking, the existence of such a plurality of priority metrics, being available for other implementations of Littlefield's invention, is obvious.

Appellants argue that claim 6, reciting a per-hit fee, is separately patentable. Examiner's rejection was not based on a combination of references, or on an argument for obviousness, but on Littlefield's explicit disclosure: "Instead of or in addition to a subscription fee for associating non-default items with search result listings, search engine provider may also charge click-through fees based on how many times the search engine users actually select a search result listing that is associated with a non-default item." (Column 4, lines 10-14.) It would seem that there is no more to be said, but Appellants quote from Examiner's response in the Office Action mailed October 22, 2007, in an attempt to show that Examiner demonstrated that Littlefield teaches away from the recitation of claim 6. Examiner's actual point was that it was obvious for the listings to be displayed (i.e., ranked) on some other basis, such as relevance to a search query, not ranked on the basis of a per-hit fee. This has already been discussed with regard to claim 1. Examiner wrote nothing that demonstrates Littlefield teaching away from charging a per-hit fee. Given Littlefield's express disclosure of such per-hit fees ("click-through fees"), it would have been exceedingly difficult to do so.

Appellants next argue for the separate patentability of claim 20 "for at least the reasons discussed above with regard to claim 6." As discussed above, Examiner holds those reasons to be invalid. Appellants further argue based on the failure of Littlefield to expressly disclose that the placement of the enhanced listing is not influenced by the enhanced display fee, or, as in claim 20, the per-hit fee. Examiner has already addressed this point with regard to claim 1 above, and reiterates his arguments. Finally, Appellants write, "Littlefield's disclosure of click-through fees and the use of 'non-default

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content' to overcome the ordering resulting from use of click-through fees teaches away from the foregoing recitation of claim 20." Examiner replies that Littlefield does not at all disclose the use of non-default content to overcome the ordering resulting from use of click-through fees, since there is no suggestion in Littlefield that the ordering of listings results from the use of click-through fees.

Appellants proceed to address claim 30, admitting that the subscription fee may be based on a variety of factors, including the size and type of the non-default items (enhancements) in search result listings, but stating that Littlefield does not teach or suggest the requirement of claim 30 that "said enhanced display fee associated with said listing is influenced by said fee type attribute." Examiner replies that Littlefield does teach this (column 4, lines 6-9): "The amount charged by the search engine controller may vary based on a variety of factors, including the size and type of the non-default items that web page owners desire to associate with the search result listings for their pages." (Emphasis added.)

Appellants then write, "Littlefield in fact teaches away from this claim recitation to the extent that Littlefield discloses differences in fees solely based on the attributes of the non-default listing, without influence of the fee type attribute." Appellants do not say to what extent Littlefield discloses this, or provide a reference to any such disclosure in Littlefield. If there is no such disclosure, there is no such teaching away. In fact, the only statement in Littlefield of which Examiner is aware that even remotely approaches this is in column 4, lines 10-14, where Littlefield discloses charging click-through fees based on how many times the search engine users select a search result listing that is

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associated with a non-default item. That hints at fees based on the attribute of frequency of selection, which could be an attribute of a non-default listing, but, unfortunately for Appellant's case, there is no suggestion of charging fees for non-default listings; Littlefield is explicit that the fees are based on how often users select a search result listing that is associated with a non-default item. In short: no such disclosure, therefore no teaching away.

Appellants argue against the rejection of claim 8, based on the combination of Littlefield with what "Helen" wrote on alt.windows98. Appellants argue that Helen teaches at most a first response. Examiner replies, first, that Littlefield, not Helen, was replied upon to disclose first and second responses; secondly, it is scarcely plausible, that My Deja, which Helen describes, has only been used once, to generate a single response. Appellants then deny that "relevance score, newsgroup, author, subject thread, or date" are priority metrics. Examiner replies that these are priority metrics, since they are disclosed as being bases by which results are sorted, or, to use Littlefield's term, ranked. Furthermore, Littlefield discloses relevance as being a priority metric (column 2, lines 10-17). Appellants argue that Helen teaches that "date" and "author" (and presumably "relevance score," etc., as well) are associated with a particular listing in a single set of search results. Examiner points out that, to begin with, these priority metrics are associated with all of the listings in a set of search results. More importantly, Examiner's contention was not that either Littlefield or Helen anticipated claim 8, but that it was obvious in view of the combination. One cannot show nonobviousness by attacking references individually where the rejections are

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based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Given a plurality of response sets, such as Littlefield discloses and such as would presumably arise in the use of My Deja, users could well desire response sets to be prioritized by one metric in some cases, and by another metric in other cases, as taught by Helen.

Appellants next argue, with regard to claim 18, that Littlefield teaches away from requiring an affirmative invocation by the user to display a detailed view of an enhanced listing. Examiner notes that Appellants do not address the point that the "click-to-buy" button of column 6, lines 1-20, might be regarded as providing a detailed view. Even leaving that point aside, not every non-disclosure of an element amounts to teaching away from that element. While Littlefield discloses, "the associated non-default items are delivered whenever the search results include search result listings that correspond to the web page or domain" (column 5, lines 12-15), which does not seem to call for affirmative invocation by the user, Littlefield also discloses, "For example, the web page may include controls that allow the subscriber to upload a graphic, an audio file, an applet in the JAVA language, or a movie file" (column 4, lines 38-41). If multiple listings in a set of search results have audio files, movie files, or interactive JAVA applets, it is hard to see to how they could all be presented to the user at the same time, without affirmative invocation by the user. This is at least strongly suggestive of affirmative invocation by the user being required, "for at least the obvious advantage of not assaulting the user with detailed views from multiple enhanced listings in his search

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results,” as Examiner wrote in rejecting claim 18. It is to be noted that claim 18 depends from claim 16, and Littlefield (column 4, lines 24-27; column 6, lines 1-20) was used to reject the limitation of claim 16. The examples of requiring affirmative invocation through a user interface before displaying an item such as a graphic, a movie file, etc., are based on Littlefield, and not Examiner’s mere conjecture.

The Supreme Court has ruled in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007) that the teaching, suggestion or motivation test should not be applied as a rigid and mandatory formula that limits obviousness analysis through a formalistic conception of the words “teaching,” “suggestion,” and “motivation” or by overemphasis on the importance of published articles and explicit content of issued patents, since market demand, rather than scientific literature, often drives design trends, and granting patent protection to advances that would occur “in the ordinary course” without real innovation retards progress and may, in the case of patents combining previously known elements, deprive prior inventions of their value or utility (1385-1386).

To quote further from *KSR* (at 1386), “[R]igid application of preventative rules that deny fact finders recourse to common sense are neither necessary nor consistent with precedent.”

The Court also noted in the *KSR* decision, “[I]f there is design need or market pressure to solve [a] problem, and there are [a] finite number of identified, predictable solutions, [a] person of ordinary skill in art has good reason to pursue known options

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within his or her technical grasp, and if this leads to anticipated success, it is likely product of ordinary skill and common sense, not innovation."

Examiner holds that the *KSR* decision is relevant to claim 18. There is a design need or market pressure to solve the problem of which movie files, audio files, etc. to present to users, and at what time(s); there are a finite number of predictable solutions, one of which is to have the user affirmatively invoke the files which he wishes to see or hear; and this leads to anticipated success. Therefore, it is likely to be the product of ordinary skill and common sense, not patentable innovation.

Appellants next argue that claims 26-29 are separately patentable over the combination of Littlefield with Talib, on the ground that Talib, although by Appellants' admission concerned with searching through an information using any of taxonomies (categories), does not disclose that the "enhanced display fee associated with said enhanced listing is influenced by said category attribute." This, be it noted, is a limitation of claim 27, and there is similar language in claim 29, with "geography" in place category; claims 26 and 28 are broader, and could be rejected in view of Talib even if Talib taught nothing about fees. In fact, Talib discloses that fees associated with advertisements are influenced by the category attribute of a user's request, as taught especially in paragraphs 110 and 111. Talib does not disclose the category attribute influencing, specifically, an enhanced display fee, but Littlefield discloses enhanced display fees. There is valid motivation to combine the teachings of these two references, in order to achieve an explicitly stated advantage. Although Appellants

might prefer that everything not actually anticipated were patentable, that is not the position that Congress or the courts have taken.

Claims 28 and 29 are obvious over Littlefield and Talib for essentially the same reasons as largely parallel claims 26 and 27, except that paragraph 130 of Talib is also relevant, to disclose geographical categories.

Appellants also argue that claim 34 is separately patentable, challenging the rejection based on Littlefield, Mangold, and "Intasys." Appellants argue against the adequacy of "Intasys," without mentioning Mangold. "Intasys" teaches a per-hit fee varying in accordance with a period of time and number of hits, but Appellants maintain that "Intasys" does not teach that the number of hits and period of time influence the variable per-hit fee. Examiner makes two points in reply: First, "Intasys" does teach exactly this, in the sense that a per-hit fee which varies between its full value and zero, depending on whether there are two click-throughs from the same IP address within 24 hours, is a variable per-hit fee, broadly defined. Secondly, even if one reads a narrower definition of "variable per-hit fee" into the claim, Mangold teaches variable fees, i.e., per-hit fees which vary from full price through several fractions of full price. Mangold was applied in rejecting claim 33, upon which claim 32 depends. Thus, there is relevant, analogous prior art teaching all limitations of claim 34, and there are definite motivations, based on the prior art, to combine references so as to arrive at what is recited in claim 34, as set forth in the rejections above. Possibly the prior art references applied do not teach everything that Appellants conceive as part of their invention, but it

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is Examiner's duty to give claim language the broadest reasonable interpretation, not to find claims allowable based on additional limitations which are not actually recited.

Addressing claim 39 and its dependents, Appellants argue that claim 39 should be found patentable for a reason which Appellants also adduced as ground to find claim 1 allowable. Examiner reiterates his arguments as presented above in regard to claim 1.

Appellants next argue for the separate patentability of claim 42, on the grounds that Littlefield fails to disclose selection of fees. Examiner did not contend that Littlefield expressly discloses selection of fees, but that Littlefield discloses selection of at least one enhanced attribute, and enhanced display fees for listings with enhanced attributes, implying the selection of the fees in accordance with the selected enhanced attributes. While this is obviousness, rather than anticipation, Examiner suggests considering the alternatives. Either Littlefield's system lists fees together with enhancements, so that potential subscribers select fees, choosing, for example, to pay a particular fee to have a listing displayed in a special font, but not a higher fee to have it displayed in bold, or else fees are not listed with enhancements, so that a subscriber would not know which enhancements cost how much, or carried any charge at all, and would select them only to receive a surprise bill letting him know how much it was costing him in fees he had not selected for the enhancements which he had selected. The second alternative may not be absolutely impossible, but it is unlikely. Subscribers would be reluctant to select enhancements knowing that there would be extra fees, but not knowing how much the

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fees would be. Without subscribers acknowledging and selecting fees, they would probably not be judged to have entered into enforceable contracts, and would not be obliged to pay the bills sent to them. The *KSR* decision appears relevant here: There is a design need or market pressure to solve the problem of having fees for enhancements known to potential subscribers, and acknowledged by subscribers who order enhanced listings; there are a finite number of predictable solutions, one of which is to have the subscribers select fees (e.g., by selecting an enhancement with a corresponding fee listed); and this leads to anticipated success. Therefore, it is likely to be the product of ordinary skill and common sense, not patentable innovation.

Addressing claim 44 and its dependents, Appellants argue that claim 44 should be found patentable for a reason which Appellants also adduced as ground to find claim 1 allowable. Examiner reiterates his arguments as presented above in regard to claim 1.

Appellants next argue for the separate patentability of claim 46, on the grounds that Littlefield allegedly fails to teach that the enhanced display fee is part of the per-hit fee. Essentially the same point has already been set forth with regard to claim 6, which has similar language, so Examiner reiterates the arguments set forth above for claim 6.

Appellants next argue that claim 51 is separately patentable. This is based on the limitation of claim 51, "wherein the listings in the response are not displayed in accordance with a per-hit fee that is associated with each of the listings," that is essentially parallel to the final clause of claim 1, "wherein the placement of said

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enhanced listing is not influenced by said enhanced display fee." Because the issues raised by this have already been addressed, Examiner reiterates the arguments he has set forth above with regard to claim 1.

Finally, Appellants argue for the separate patentability of claim 50, which was rejected as unpatentable over Littlefield in view of Kanell. Kanell, as Appellants state, does not disclose that listings appear with enhancements in some categories but not in other categories. However, Kanell is suggestive of the claimed feature, because Kanell teaches online Yellow Pages where a business has to pay to be listed in more than one category, even if it fits in more than one category (e.g., Restaurants, Italian; Restaurants, Greek; and Restaurants, Kosher), and where businesses can pay for such enhancements to their listings as bold face and large box ads that include more information. Examiner maintains that it would therefore have been obvious for the same listing to appear in an enhanced format in one response (e.g., a response to a search of Italian restaurants, or a relevant keyword), but not in another response (e.g., a response to a search of Greek restaurants, or of another relevant keyword), for the motivations set forth: "as an obvious consequence of advertisers being unwilling to spend extra money for enhanced advertisements in multiple categories, and listing providers seeking to increase revenues by providing different levels of service, with extra payments required for additional enhancements." Again, the *KSR* precedent is considered relevant, even if, *ad arguendo*, claim 50 would not be judged obvious based on an overly rigid and formalistic application of the teaching, suggestion, and motivation test:

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The Supreme Court has ruled in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007) that the teaching, suggestion or motivation test should not be applied as a rigid and mandatory formula that limits obviousness analysis through a formalistic conception of the words "teaching," "suggestion," and "motivation" or by overemphasis on the importance of published articles and explicit content of issued patents, since market demand, rather than scientific literature, often drives design trends, and granting patent protection to advances that would occur "in the ordinary course" without real innovation retards progress and may, in the case of patents combining previously known elements, deprive prior inventions of their value or utility (1385-1386).

To quote further from *KSR* (at 1386), "[R]igid application of preventative rules that deny fact finders recourse to common sense are neither necessary nor consistent with precedent."

The Court also noted in the *KSR* decision, "[I]f there is design need or market pressure to solve [a] problem, and there are [a] finite number of identified, predictable solutions, [a] person of ordinary skill in art has good reason to pursue known options within his or her technical grasp, and if this leads to anticipated success, it is likely product of ordinary skill and common sense, not innovation."

Appellants further argue that Kanell teaches away from the claim recitation by "indicating, if anything, that such 'enhancements' would be displayed each time a listing in Kanell is displayed." Examiner replies that there is no disclosure in Kanell that such enhancements would have to be displayed each time a listing in Kanell is displayed,

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and therefore there is no teaching away. Lastly, Appellants characterize Kanell as merely disclosing that BellSouth has "hopes" for an online version of its Yellow Pages. In fact, Kanell discloses an actual system ("BellSouth today launches an online version of its listings that will be free to anyone with a computer and a Net connection.") The only mention of hopes is in the sentence, "BellSouth hopes to stay ahead of the pack by including more features and also by updating its Internet listings every two weeks, Doyle said." Thus, while there may be some disagreement over how much is obvious in view of Kanell's article, it describes an actual system, not conjecture or vaporware, and should be properly considered on that basis.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

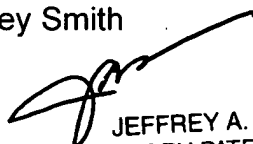
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